S.B.CIVIL WRIT PETITION NO.4671/2003

Brij Mohan
v.
State of Rajasthan & Anr.

DATE OF ORDER :: 25h April, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. M.A.Siddiqui, for the petitioner.
Mr. S.S.Ladrecha, Additional Government Advocate.

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By this petition for writ a direction is sought by the petitioner for the respondents to consider the marks obtained by him in Secondary School Examination in the year 1997 while determining merit for the purpose of appointment as Teacher Gr.III.

From the averments made in petition for writ it reveals that the petitioner at the first instance qualified Higher Secondary School Examination in the year 1989 and thereafter he also passed B.Com Degree Course in the year 1993. In the year 1996 he obtained Bachelors Degree in Education from Maharishi Dayanand University, Rohtak. After completing education upto the level above the petitioner in the year 1997 again appeared in Secondary School Examination with a view to enhance marks in the examination concerned.

It is contended by counsel for the petitioner that the respondents while considering candidature of

the petitioner for the purpose of appointment as Teacher Gr.III have not taken into consideration the marks obtained by the petitioner in Secondary School Examination in the year 1997. A direction, therefore, is sought to get the merit of the petitioner determined by taking into consideration the marks obtained by the petitioner in Secondary School Examination 1997.

From entire petition it does not reveal as to when the respondent No.2 invited applications from the eligible desirous candidates for the purpose of appointment to the post of Teacher Gr.III. The sole factual background given in this regard reads as follows:-

> "That the Respondent No.2 issued an advertisement for inviting applications for fulfilling the post of Teacher Gr. 3rd in various primary schools of the Panchayat Samities of District Nagaur. As the petitioner was having the required qualifications, therefore he applied and submitted his Form in the Office of Respondent No.2 within time."

The averments in the petitioner are so vague that it does not mention about selection proceedings in which the petitioner want his consideration. On asking, it is simply stated that the selections took place in the year 1998. If it is so, then no relief

can be granted to the petitioner at this belated stage. The writ petition for consideration in the selection proceedings pertaining to the year 1998 was filed by the petitioner on 23.8.2003. In the matters of selections such a delay is fatal and on this count also this petition for writ deserves rejection beside the ground of vagueness in the petition as stated above.

For the reasons narrated above, this petition for writ is dismissed.

(GOVIND MATHUR),J.

Kkm/ps.